Fees II. Bijapur
53

1953. K. File No.

Examined
i K

Legal DEPARTMENT
C. BRANCH

Subject:— Applications for enchanced fees from P.P. and his Assistant from Bijapur District

E
1-15

Fees II Bijapur /53

File No.

Std. Scott. Slip 24-B

800-C

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SVA
2/5
3/5

No. 1129 of 1953.
1st September 53.

To

The Remembrancer of Legal Affaairs,

Secretariat, Bombay.

Subject: Application for enhanced fee in Bijapur Civil Suit 72/1951 under Rule 26(2) of Law Officers Rules.

Sir,

I have the honour to forward herewith a statement of my appearance in the above suit. It may be seen therefrom that as stated in para 1 of the statement, I applied on 9 occasions for time for putting in written-statement, that as stated in para 2 of the statement I appeared in Court on days of putting in objections and written-statements and on days when issues and additional issues were framed, and on ~~dyas~~ days of production of documents and on two days for arguments, that as stated in para 3 of that statement I appeared on six days of hearing when the suit was adjourned, and that as stated in para 4 of the statement I appeared in Court on five days of hearing.

Further on some other days I engaged myself in making correspondence ~~in~~ for securing papers from the Executive Engineer, Superintending Engineer and Collector.

2. I have sent herewith an uncertified copy of the Judgment and the observations in last para of the Judgment may in particular may be noticed.

3. The suit was complicated, and I had to exert myself too much.

4. The taxable fee for this suit is Rs. ~~150/-~~ 18-12-0. In fact the suit was heard for five days at the regular hearing (please vide para 4 of the accompanying statement), in addition to argument on 2 days in respect of amendment of plaint and issues 1 and 2 (Please vide para 2 of the statement).

I therefore request you to sanction enhanced fee of Rs. 150/-.

Yours faithfully,

District Government Pleader,

Bijapur.

Respectfully Submitted
through the Collector of
Bijapur.

UD

Submitted
Pl. see DS P's
letter overleaf
C-S (O) 72/5126
decided in favour of Govt.
So far sanction of
of enhanced fee & BISO
is concerned, 'C' branch may
deal with the same.

9/9
SO (M) 9/9

3/52

~~4-3~~ 74

Below Dist. Government Pleader, Bijapur's letter No. 1129 dated 2-9-1953 addressed to the Remembrancer of Legal Affairs.

-oOo-

No. LAW-205.
Bijapur 4th Sept., 1953.

Submitted to the Remembrancer of Legal Affairs, B o m b a y.

O.C.signed by Collr.

for Collector, Bijapur.

21698.
9/9/53

5 L. D. R. J. No. 21698

9/9/53

Submitted. p.1

2. This is an application from the D.G.P., Bijapur for enhanced fee in Civil Suit No. 72/1951, under rule 26 of the L.O. (C. of S.) Rules.

3. From the correspondence and the copy of the judgment it appears that the suit was filed against the Government of India and not the State Govt. From the G.R. Sanctioning the defence of the suit it appears that the State Govt. was included as a nominal defendant.

4. Under rule 184 of the Law Officers' Rules the defence of Suits on behalf of the Central Govt. or its officers (except the Indian P.W.D.) cannot be Sanctioned by the State Govt. Such Sanction must be given by the deptt. concerned of the Central Govt. Thus it appears that the defence ought to have been Sanctioned by the deptt. [illegible] and not by the State

Govt. The fees of the Govt. Pleaders, and other legal charges in such cases will be paid by the deptt. concerned of the Central Govt. (Vide rule 184(4). The applm. of the D.G.P., Bijapur may therefore be returned to him with an intimation that he may prefer his claim for fees to the department concerned of the Govt. of India.

Through E
Sec
17/9.

2nd
10/9/53
Supdt. DNP. 11.9.53

Solr. (M.L.) Did not open & forward A. applicher & the Govt of India with our remarks?

Sec
18-9.

Resubmitted with reference to Solr's note dt. 11-9-53.

There is no provision in the C.O.Rs. under which such applns. are required to be forwarded to the Govt. of India through the HC with his recommendations. If the Govt. of India requires the recommendations of this Govt. it can refer to this Govt. However if the Solr. so desires, this appln. may be forwarded through the HC to the G. of I. with the following endorsement:-

"I. w. C." and such other remarks as deem fit to make.

2nd 19/9 Supdt. DNP. 21/9/53

7 7

No. 19489/C
Office of the,
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No. 1) September 1953.
25th

Subject: Application for enhanced fee in Bijapur Civil Suit 72/1951 under Rule 26 (2) of Law Officers Rules.

MEMORANDUM :

With reference to his letter No. 1129 dated the 1/2 September 1953, on the above subject, the District Government Pleader, Bijapur is informed that he may prefer his claim for enhanced fees to the Department concerned of the Government of India.

oc Bijapur

for Remembrancer of Legal Affairs.

RVS.24/9.

Copy forwarded with compliments to :-

The Collector of Bijapur, with reference to his endorsement No. L.A. W. 205 dated 4-9-53 for information.

Submitted for signature.
24/9
Sepdl. 24.9.53
Solr (M.L.).

Submitted after issue

file in · Fees II Bijapur/53.

Kpr
26/9
Supdt. Prof.
26/9

Fees II By/53
26/9

9 9

No. 499 of 1953.
Date:- 24-3-1953.
30

To

The Remembrancer of Legal Affairs,
Bombay No.1.

Subject:- Application for enhanced fees by Shri A.C.Angadi,B.A.LL.B., Public Prosecutor,Bijapur, in Criminal Case No.3/1952 on the file of the ~~Additional~~ Special Judge,Bijapur.
Rule 26 of Law Officers Rules

Sir,

In forwarding herewith a copy of Judgment and certificate of my attendance in C.C.No.3/1952 before the Special Judge Bijapur I have the honour to state that this was a very complicated case.I ~~have~~ had to do home work for some days before I could actually conduct it in Court.I had to carry on correspondence with Director of Industries in order to ascertain and thereafter to obtain the necessary papers. I had also to do the same thing with the Police Inspector S.D.Bagalkot.I ascertained that it was necessary to produce some papers from the Inspector of Weights and Measures Bagalkot and I got them produced. I also got produced some papers from one ~~of the~~ witness Irappa.

The case required a careful study of the account books and bill books produced in the case. The case also required a labourious study of the entries in the Diary of the accused.

2. I feel that I have bestowed marked industry and that I have shown marked ability in the case.The case was complicated and was of unusual importance.I therefore claim enhanced fees at the rate of Rs.60/- per day.

I therefore request you to sanction payment of enhanced fees at the rate of Rs.60/- per day.

Yours faithfully
Ahmadi
Public Prosecutor,Bijapur.
Respectfully forwarded through the

2



Special ~~Additional Sessions~~ Judge, Bijapur and District Magistrate, Bijapur.

No. 3062 -53
30-3-53.

Forwarded with compliments to the Remembrancer of Legal Affairs, Bombay.

2. The case which Shri A.C.Angadi conducted as a Public Prosecutor and for which he is asking enhanced fee at the rate of Rs. 60/- per day involved intricate questions of law and fact. Not only that but to bring the charge of bribery home to the accused, he had also to ransack numerous books of accounts etc. maintained by the complainant and the accused. I must say that Shri Angadi displayed marked industry and ability in the conduct of this case. I would therefore strongly recommend his application for enhanced fee. The same may be allowed to him at the rate of Rs. 40/- a day.

68
D.C.
31/3

for coth

Special Judge,
~~Additional Sessions Judge~~,
Bijapur.

Through the District Magistrate, Bijapur.

Below letter No.499/30-3-53 from the P.P. Bjp. addressed to the R.L.A. Bombay and received under Special Judge Bijapur's endorsement No. 3062 dated 30-3-1953 regarding grant of enhanced fees.

No.MGM-A. 346.
Bijapur, 7 -4-1953.

Submitted to the Remembrancer of Legal Affairs, Bombay.

LEGAL DEPARTMENT
9 APR 1953

2. A fee at Rs. 40/- per day is recommended.

O.C.signed
by the D.M.

For Dist. Magistrate, Bijapur.

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No. 8093
Say No. 101415
Branch

L.D.R.J. No. 8773 [illegible]
10.4.53.
13

Submitted.

2. This is a request from the Public Prosecutor, Bijapur for grant of enhanced fees at the rate of Rs. 60/- per day for conducting Criminal Case No. 3 of 1952 in the Court of the Special Judge at Bijapur (State Vs. Dattatraya Shanker Mali). The accused in the case was charged under Section 161 of the Indian Penal Code. The grounds on which the request for enhanced fees is made are mentioned by the P.P. in his letter No. 499, dated the 24th/30th March 1953 at p. 1 ante. From the correspondence it will be seen that the P.P. appeared in the Court of the Special Judge, Bijapur for 14 days. (Slip A)

3. The Special Judge, Bijapur ⊗ before whom the case was conducted states that the case involved intricate questions of law and fact. Not only that but to bring the charge of bribery home to the accused, he had also to ransack numerous books of accounts, etc. maintained by the complainant and the accused. Shri Angadi displayed marked industry and ability in the conduct of the case. He therefore recommends the P.P's. application for enhanced fees and states that he may be allowed enhanced fees at the rate of Rs. 40/- a day.

⊗ p2 ante

4. The D.m. Bijapur × recommends enhanced fees at the rate of Rs. 40/- per day.

× p3 ante

5. Ordinarily under Rule 23 of the Law Officers (Conditions of Service) Rules, 1939, the P.P. is entitled to a fee of

Rs. 20/- per day. In view of the nature of the case and also in view of the recommendations of the Special Judge, Bijapur and the D. M., Bijapur, the P.P's. application for enhanced fees is for consideration. It will be necessary to obtain the sanction of Z.D. if any enhanced fees are to be granted

nanaile
18/4/53.

Supdt. 18/4/53

D.F. (Crim) I have gone through the judgment.

This is a case in which the accused, a junior Indian Railway Inspector, was charged with having accepted a bribe. He was tried before the Special Judge Bijapur, has been convicted and sentenced. The P.P Bijapur requests for enhanced fees in the case. The Special Judge and the D.M recommend enhanced fees.

I have carefully gone through the judgment. It was a case of a trap and no complicated questions of fact arose. But several questions of law were raised and it appears that the P.P studied the legal aspects of the case well and presented them with clarity & ability. Besides in the matter of appreciation of evidence the prosecution had to lead evidence to corroborate the complaint. This evidence consisted of account books and a diary and the Public Prosecutor appears to have done a good job of comparing various entries in the accounts of the complainant with various entries in the diary of the accused. For these reasons I consider this

17 to 49
15

* Not concerned with the recommendations. Rs. 40/- under 'A' on P.2 ante.

Joint D.J. Bijapur a fit case for enhanced fees.

The PP has asked for Rs 60/- per day. The Judge recommends fees at that rate. The D.M. recommends Rs 40/:- I think Rs 40/- per day (inclusive of ordinary fees) would be reasonable

Satm. Y. Yard
23-5-53

Rs 40 per day would be sufficient and regular remedies

Secy.

Secy. L.D. No. 11137/c. dated the 14th May 1953

FINANCE DEPARTMENT
Dy. No. XVII 4
Date 14-5-53
Secretariat No. 12041

---

Fin. Deptt. (XVII).

P.5 ante

Please see L.D.note dated 18-4-1953 and remarks of D.S. (P.6) and Secy. (P.7) of that Deptt. below it.

Shri A.C. Angadi the Public Prosecurer, Bijapur has claimed* a fee of Rs.60/- per day for conducting the case in view of the circumstances mentioned by him. The Spl. Judge Bijapur who had heard the case and the D.M. Bijapur have recommended* a fee of Rs.40/- per day.

P1

P 2+3

The Secy.,L.D. has recommended for sanction of the said amount viz Rs.40/- per day vide his remarks referred to at para 1 above (p.7)

P 6.

The P.P. had conducted the case for 14 days and normally he would be entitled for a fee of Rs.20/- per day under Rule 23 of the Law Officers (condition of Service ) Rules, 1939. The present proposed.....

proposed fee of Rs.40/- per day would therefore be double the amount of the usual fee and hence appears to be on the high side. Considering that the case ended in conviction and could in the circumstances for which the enhanced fee is proposed, a fee of Rs.30/- per day of conducting the case appears to be reasonable, and F.D. may agree to sanction this amount as a special case. The L.D. may be informed accordingly.

The expenditure should be met from the sanctioned grants. The source may also be pointed out in the order to be issued.

Br. V

Br
22/5/53

AS (M)

22/5

The P.P. has asked for Rs 60 per day. The L.D. has reduced the amount to Rs 40. FD need not suggest any further reduction. The L.D proposal may be agreed to

MS (S)

5/6

U.O.R to L.D. dt. 6-6-53.

LEGAL DEPARTMENT
9 JUN 1953

THE SECRETARIAT TO GOVERNMENT
LEGAL DEPARTMENT
File No. 14/62
Dated 10/6/53

Br XIV
Pl. issue U.O. to L.D.
MC
6/.

Ff 17 49

Enhanced fees.
Payment of - to Public Prosecutor, Bijapur.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 1390 9/c
Bombay Castle, 29th June 1953.

Letter from the Public Prosecutor, Bijapur, No. 499 dated the 24th/30th March 1953 applying for enhanced fees under rule 26 of the Law Officers (Conditions of Service) Rules for having conducted the Criminal Case noted in the margin in the Court of the Special Judge, Bijapur.

In the Court of the Special Judge at Bijapur.
Criminal Case No. 3 of 1952
The State
Vs.
Dattatraya Shankar Mali
Offence under section 161, I.P.C.
Dates:- 3rd November, 8th, to 11th December 1952 5th, 15th, 16th, 17th, 23rd, 24th January 1953; and 2nd, 3rd and 5th February 1953.

Endorsement from the Special Judge, Bijapur No. 3062 dated the 30th March 1953.

Endorsement from the District Magistrate, Bijapur, No. MGM-A.346, dated the 7th April 1953.

RESOLUTION: Sanction is accorded to the payment to Shri A.C. Angadi, Public Prosecutor, Bijapur for enhanced fee at the rate of Rs. 40/- (Rupees forty only) per day for fourteen days for conducting the Criminal Case noted in the margin in the Court of the Special Judge, Bijapur.

2. The fee so sanctioned is inclusive of the ordinary fee admissible under the Law Officers (Conditions of Service) Rules.

3. The charge should be met from the provision made in the current year's budget under "27-Administration of Justice - B - Law Officers - B 2 Mofussil Establishment - B 2(3) Allowances, Honoraria etc".

By order and in the name of the Governor of Bombay,

Issued 29/6 original

Akbar S. Sarela 27/6
AKBAR S. SARELA,
Deputy Secretary to Government.

To
The Finance Department,
The Accountant General, Bombay (through the Finance Department),
The District Magistrate, Bijapur,
The Special Judge, Bijapur,
Shri A.C. Angadi, Public Prosecutor, Bijapur (with the copy of judgment).

HSP/27/6

Orders issued in consultation with the Finance Department. Note recorded on the Department file and can be seen if required.

Submitted
The F.D. has agreed to our proposal to the grant of a fee Rs 40/- per day for 14 days to the P.P. Bij for conducting Cr. Case No. 3 of 1952.
Necy sanction may now be communicated.

27/6 SS 27/6/53 D.J. (cr)

Below letter No. 1283 of 1953 dated 29/30-9-53, from the Public Prosecutor, Bijapur addressed to the Remembrancer of Legal Affairs, Bombay and received under Additional Sessions Judge, Bijapur's endorsement No. 11086 of 1953 dated 5-10-53 regarding grant of enhanced fees in Bijapur Sessions case No. 37/53.

.....

No. POLSR. 4487
Bijapur, 28-10-1953.

Submitted to the Remembrancer of Legal Affairs, Bombay.

2. In view of the complicated nature of the case and the recommendation of the Additional Sessions Judge, Government may consider the request of the Public Prosecutor for payment of enhanced fees. I would recommend an enhanced fee of Rs. 40/- per day.

O.C. signed by D.M.,

2634
3/11/53

For Dist. Magistrate, Bijapur.

21 25

No. 1283 of 1953. -3
29-9-1953.
30

To

The Remembrancer of Legal Affairs,
Secretariat, Bombay.

Subject:- Application for enhanced fee in Bijapur Sessions Case No. 37 of 1953.(The State vs. Ramchandra and 8 others of Shinganapur in Bijapur District).

Sir,

I forward herewith a copy of the Judgment delivered by the Additional Sessions Judge, and certificate of my attendance in that Court in connection with the above case.

(2) This was a case against 9 persons who were accused of murder of two persons by shooting one with a gun and by cutting both with sword and axes and then destroying evidence of the commission of the offence by throwing the two dead bodies in a hut and setting fire to the same. They were also accused of causing hurt to 3 other persons by firing gun at them. They were also accused of criminal trespass. The accused were thus tried on a charge of offences punishable under Sections 148, 447, and 337, 302 and 436 read with Sec. 149 of the Indian Penal Code and accused No. 6 was also tried in respect of possession of or control over a gun without a licence punishable under Section 19(f) of the Indian Arms Act.

Received 30-9-1953 BC

(3) The case was very complicated and was of unusual importance.

I studied the papers long before the date of hearing and got summoned the following additional witnesses, namely, Expert in Arms and Ammunition from Kirkee, and Lecturer in Anatomy B.J. Medical College, Poona, and some other witnesses and examined them in the Court of Session.

The accused were defended by Shri Mandagi Advocate from Bombay and by three local Pleaders.

I feel that I conducted the case in Sessions Court with marked industry and ability.

(4) I, therefore, request you to sanction payment to me enhanced fees at the rate of Rs 100/- per day.

Yours faithfully,
A Kusalt
Public Prosecutor, Bijapur.

(P.T.O.)

Forwarded through the Additional Sessions Judge, Bijapur, and District Magistrate, Bijapur with respects.

No. 1086 of 1953.
5-10-1953.

Forwarded with compliments:—

This was a case of unusual importance. The accused were defended by an Advocate, who had come from Bombay. There were many intricate points involved in the case and the case was very complicated. It called for very close and deep study, careful analysis, and great industry. I have no hesitation in saying that marked ability and industry has been shown by the Public Prosecutor, Shri A.C.Angadi, in handling this case.

He may be allowed enhanced fees of Rs 75/- per day in this case.

Additional Sessions Judge,
Bijapur.

Forwarded through the District Magistrate, w.cs.

D.S.(Criminal)

The Public Prosecutor, Bijapur, has requested for enhanced fees for conducting the Sessions case No.37 of 1953.

This appears to be a fit case for enhanced fees. There were 9 accused in this case charged with various offences, namely, of being members of an unlawful assembly, rioting, murder, mischief by fire and causing hurt by rash and negligent act by fire. Some of the accused were also charged under the Arms Act. This was a case arising out family feud in which there was formerly a death caused by the complainant's family and now a death caused in the complainant's family. A considerable amout of oral evidence was led and on account of the family feuds, there was a good deal of partisanship in the evidence. The evidence had, therefore, to be carefully studied and carefully sifted. The fact that the judgment of the Judge extends over 65 pages shows that the matter was hotly contested and every arguable point was taken in the Court on behalf of the defence. The learned Judge in his endorsement states as follows

> "There were many intricate points involved in the case and the case was very complicated. It called for very close and deep study, careful analysis and great industry."

The District Magistrate also states that the case was of a complicated nature. Both the Additional Sessions Judge and the District Magistrate recommend enhanced fees. In the circumstances, enhanced fees may be granted in this case.

As regards the rate of fees, the Public Prosecutor has asked for Rs.100 per day. The Additional Sessions Judge recommends Rs.75 whereas the District Magistrate recommends Rs.40 per day. There were in all 18 days of hearing. Govt. may accept the recommendation of the District

Magistrate.....

Magistrate and sanction enhanced fees of Rs.40 a day, inclusive of ordinary fees. | A.

Sd/- K. Yarde
19.11.53

Secy
19/11

Shri D
20/11

21 XI 53
23889
982

U.O.R. to F.D. No. 23389/C dt. 21.XI.53.

## Finance Deptt.

For XVII.

In view of the position explained in the L.D note dated 19-11-53 the proposal at 'A' thereof may be agreed to. x above.

2 The expdre. should be met from the sanctioned grants.

3.12.53
4

4/12/53

29821
8/12/53
C

U.O.R. to the L.D. dated 4-12-53.

A.S(G)

(with papers)

Shri M

L.D. - DEC 1953

## Legal Department

29821

8-12-53

Submitted

2. The F.D. has agreed with this Department proposal to grant enhanced fees of Rs. 40/- per day inclusive of ordinary fee to the P.P. Bijapur. The necessary sanction may now be conveyed by G.O.R.

G.O.R. (in duplicate) is put up for approval and signature

For XIV F.D. Pl return U.O. to the L.D. (with papers)
4-12-53

14/12
S.S. 14-12

D.S. (in Law) 14/12

9 3/25

Enhanced Fees.

payment of -
to Public Prosecutor, Bijapur.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 25265/C
Bombay Castle, 15th December 1953.

Letter from the Public Prosecutor, Bijapur, No. 1283, dated the 29th/30th September 1953, applying for enhanced fees under rule 26 of the Law Officers (Conditions of Service) Rules for having conducted the Sessions Case noted in the margin in the Court of the Additional Sessions Judge, Bijapur.

| | |
|---|---|
| In the Court of Additional Sessions Judge, Bijapur.<br>Sessions Case No. 37 of 1953.<br>The State<br>Vs.<br>Ramchandra alias Ramappa Giddu Waddar and 8 others.<br>Offences under section 302 read with sections 149, 148, 447, 337 and 436, read with section 149, I.P.C. and section 19(f) of the Indian Arms Act.<br><br>Dates:- 10th to 14th, 17th to 20th, 22nd; 25th to 31st August and 1st September 1953 = 18 Days. | fees under rule 26 of the Law Officers (Conditions of Service) Rules for |

Order issued in consultation with the Finance Department. Note recorded in the Finance Department and can be seen when required.

Endorsement from the Additional Sessions Judge, Bijapur, No.11086, dated the 5th October 1953.

Endorsement from the District Magistrate, Bijapur, No.POLSR.4487, dated the 28th October 1953.

RESOLUTION:- Sanction is accorded to the payment to Shri A.C. Angadi, Public Prosecutor, Bijapur of enhanced Fees at the rate of Rs. 40/- (Rupees forty only) per day for 18 days for conducting the case noted in the margin in the Court of the Additional Sessions Judge, Bijapur.

2. The fee so sanctioned is inclusive of the ordinary fee admissible under the Law Officers (Conditions of Service) Rules.

3. The charge should be met from the provision made in the current year's budget under "27-Administration of Justice-E-Law Officers-B 2 Mofussil Establishment-B 2(3) Allowances, Honoraria Etc.".

By order and in the name of the Governor of Bombay,

Original
(Akbar S. Sarela),
Deputy Secretary to Government.

Akbar. S. Sarela 14/12

To .....

Issued 15/12

353 27 H



To

The Finance Department

The Accountant General, Bombay, (through the Finance Department),

The Treasury Officer, Bijapur,

The District Magistrate, Bijapur,

The Additional Sessions Judge, Bijapur,

Shri A. C. Angadi, Public Prosecutor, Bijapur (with the copy of Judgment).

MHS.

28

Fnle in Files II Bijapur 1/53

F. 6: II Bijapur 1/53